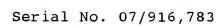


UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Addraas: COMMISSIONER OF PATENTS AND TRAOEMARKS Washington, O.C. 20231

	0	ERIAL NUMBER FILING DATE FIRST NAMED INVENTOR 7/916, 783 07/17/92 CANTRELL LILLY AND COMPANY	COVING	ATTOPNLY DOUGHES HO X-8244A EXAMINER FONUR	
	PATENT DIVISION/MVJ LILLY CORPORATE CENTER INDIANAPOLIS, IN 46285		ART UNI 1203	3	
DATE MARIED. 11/05/92 This is a communication from the ecomposition charge of the upper prof. COMMISSIONER OF PATEIN'S AND TRAID MARKS.					
This application has been examined Pasponsive to communication filed on 1/1/1/2 This action is made tinal.					
A shortenad atatutory period for rasponse to this action is set to axpire month(s), days from the data of this latter. Fallura to respond within the period for rasponse will cause the application to become abandoned. 35 U.S.C. 133					
Part I		THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:			
1. 3. 5.		Notice of References Cited by Exeminer, PTO-892. 2. Notice of Notice of Art Cited by Applicant, PTO-1449. 3. Notice of Notic	a Patant Drawing, P of Informal Patant Ap	plication, Form PTO-152.	
Part I		SUMMARY OF ACTION			
1.	Ø	Claims	***	are panding in the application.	
Of the above, claims are withdrawn from consideration,					
2.		Claims			
3.	_	Cialms		have been cancelled.	
4.	巴	Claims/ ~ 20			
5.		Claims			
6.		Ctaims are objected to. Ctaims are subject to restriction or election requirement.			
	_	This application has been tilad with informal drawings undar 37 C.F.R. 1.85 which are acceptable for examination purposes.			
		Formal drawings are required in response to this Office action.			
9.	u	The corrected or aubstitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable not acceptable (see explanation or Notice re Patent Drawing, PTO-948).			
10.		The proposed additional or substitute sheet(s) of drawings, filled on has (have) been _ approved by the axaminar disapproved by the axaminar (see axplanation).			
11.		Tha proposed drawing correction, tilad on, has been approved. I disapproved (see axplanation).			
12.		Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has 🔲 been received 🔘 not been received			
		been filed in parant application, sarlat no; tillad on;			
13.		Sinca this application appears to ba in condition for allowanca axcapt tor formal matters, prosecution as to tha marits is closed in accordance with tha practica under Ex parta Quayla, 1935 C.Ď. 11; 453 O.G. 213.			
14.		Othar			



Art Unit 1203

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 1-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Zimmerman I (450) taken with Zimmerman II (635).

Zimmerman teaches aryl piperdines of the type claimed. See Column 2, lines 55+ and Column 3, lines 1-45 where R₁ is a substituted alkyl and, for example, where X is C. Patentee do not specifically teach an COOH containing derivative. Zimmerman



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Art Unit 1203

(635) teaches analogous compounds where the piperidine is N-substituted with an alkyl containing pharmaceutically acceptable acid addition salt wherein the acid can be organic acid. See Column 1, lines 35-60 and Column 2, lines 33-70. Carboxylic acid being a well-known organic acid certainly would be contemplated by patentee. Accordingly, for the reasons set forth herein above the invention as claimed would have been obvious to one of ordinary skill and therefore unpatentable.

No claim is allowed.

Any inquiry concerning this communication should be directed to Examiner Covington at telephone number (703) 308-4530.

RAYMOND COVINGTON PATENT EXAMINER GROUP 120 AU 129

COVINGTON: ebw October 06, 1992